

Summary
Board Bill Number 150
Introduced by Alderwoman Christine Ingrassia
December 10, 2021

This Board Bill relates to the City of St. Louis' response to people who are unhoused living on public property. It sets standards and procedures for remedying unsafe conditions and protecting the rights and property of unhoused individuals. It also includes a severability clause and an emergency clause.

BOARD BILL NUMBER 150 INTRODUCED BY: ALDERWOMAN CHRISTINE INGRASSIA

1 An ordinance relating to the City of St. Louis’ (hereinafter “City”) response to people who are
2 unhoused living on public property; and setting standards and procedures for remedying unsafe
3 conditions and protecting the rights and property of unhoused individuals, including a
4 severability clause and an emergency clause.

5 **WHEREAS**, the condition and/or location of outdoor living spaces or vehicles used as
6 residences can raise public health and/or safety concerns to which the City must respond; and

7 **WHEREAS**, removing outdoor living spaces or impounding vehicles being used as
8 residences when there is not sufficient, adequate, and accessible alternative housing exacerbates
9 the hazards facing unhoused individuals and fails to address neighborhood concerns; and

10 **WHEREAS**, the long-term solution for homelessness is a “housing first” approach that
11 provides sufficient, adequate, and accessible permanent, supportive housing for people who are
12 unhoused; and

13 **WHEREAS**, finding permanent and sustainable housing for unhoused individuals is a
14 priority for the City, as is avoiding additional harm to those who are living unsheltered; and

15 **WHEREAS**, housing is a human right and a public health necessity, especially during
16 the COVID-19 pandemic; and

17 **WHEREAS**, the City’s lack of sufficient, adequate, and accessible housing to
18 accommodate the needs of all people experiencing homelessness has led to unauthorized outdoor
19 living spaces in the City; and

1 **WHEREAS**, the City’s 2018 Equity Indicators Baseline Report found Black residents
2 are nearly four times as likely to be homeless as white residents. The racial equity score is 29 out
3 of 100 possible points; and

4 **WHEREAS**, the City is committed to protecting the civil rights, as well as the public
5 health and safety of all people, including those experiencing homelessness; and

6 **WHEREAS**, no person should suffer or be subject to unfair discrimination or arbitrary
7 treatment based on housing status; and

8 **WHEREAS**, clearly established procedures required by the City that are communicated
9 and understood will build important trust within communities that have been historically harmed
10 by the practices of encampment evictions; and

11 **WHEREAS**, it is the intent of the Board of Aldermen to provide clear procedures to
12 ensure that the City can respond appropriately and adequately to needs of individuals, as well as
13 the health and safety of all neighborhoods, and to emergency situations, without subjecting
14 unhoused individuals to greater hardships.

15 **BE IT ORDAINED BY THE CITY OF ST. LOUIS, AS FOLLOWS:**

16 **SECTION ONE. Definitions.**

17 “Sufficient, adequate, and accessible housing” means, at a minimum, living space:

- 18 1. where a person has the right to reside and keep belongings on an ongoing, long-term
19 basis at any time of day or night; and
- 20 2. that meets living standards commonly acceptable for human habitation and includes
21 safety from other individuals, the elements, and exposure to disease or filth, room to
22 move about, storage space for belongings, the ability to maintain current household

1 composition, accommodation for physical disabilities or behavioral health conditions and
2 disorders , and access to hygiene facilities; and

3 3. that is accessible to the individual who is or will be living in that space, including that the
4 individual must not be barred as a result of criminal background, treatment status, ability
5 to show identification, household composition, physical or mental abilities or otherwise;
6 and

7 4. where a person is treated with dignity and respect and an individual’s privacy rights are
8 not violated.

9 “City” means the City of St. Louis and any of its contractors, agents, employees, or partners.

10 “Continuum of Care” or “CoC” means the membership-based coalition of social service
11 organizations and affiliated groups and individuals who aim to end homelessness in collaboration
12 with the City and formed pursuant to requirements under the federal Homeless Emergency
13 Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act).

14 “Director” shall mean the Director of Human Services for the City.

15 “Hazardous condition” means a condition that creates an imminent public health or safety harm.

16 The public health or safety harm must be created by the presence of a particular condition and
17 not a generalized harm common to all who are unhoused.

18 “Household” means a group of individuals who wish to live together because they are relatives,
19 are in a self-identified family relationship, or for other reasons. A household includes pets.

20 “Impoundment” means any action by the City to remove or tow a vehicle used as a residence
21 without the express approval of the vehicle’s owner.

1 “Outdoor living space” means any outdoor public space, or abandoned building that unhoused
2 individual(s) use to live or sleep in, as evidenced by the presence of a sleeping bag, shelter, tarp,
3 tent, bed, cardboard, metal sheeting, furniture, or other objects demonstrating an intent to live in
4 the location for one or more days, whether or not continuously.

5 “Personal property” means any item which an individual owns and which might have value or
6 use to that individual, regardless of whether the item is left unattended for temporary periods of
7 time or whether it has monetary value. Personal property includes vehicles. This does not
8 include weapons other than knives, contraband, items which pose an obvious health or safety
9 risk, or are clearly contaminated in a way which a reasonable person would conclude the items
10 should not be stored with other property.

11 “Public space” means any area which is owned, leased, maintained, controlled, or managed by a
12 government or public entity.

13 “Removal” means action to remove people, camps, structures, or personal property located at
14 outdoor living spaces.

15 “Specific public use” means a lawful designated and recognized function, including but not
16 limited to park use, schools, and recreational areas. The Director of the Department Human
17 Services, in conjunction with the Planning and Urban Design Agency, shall establish the criteria
18 for and a process by which an area can be designated for “specific public use” for a particular
19 location, for purposes of designating an “unsuitable location”.

20 “Unsafe location” means a location that poses imminent danger of harm to individuals residing
21 in that location or to the general public. The danger of harm must be created by the presence of

1 the specific outdoor living space or vehicle used as a residence at the particular location and not
2 generalized danger of harm common to all who are unhoused.

3 “Unsuitable location” means a location that has a specific public use that is substantially
4 impeded as a result of an outdoor living space or vehicle used as a residence in that location, and
5 where the public lacks alternative means to accomplish the specific public use. The Department
6 of Human Services in conjunction with the Department of Health shall establish a rulemaking
7 criteria for and a process by which they may designate specific sites as unsuitable based on a
8 showing of need. Designations of unsuitability must leave ample nearby, public spaces that are
9 not unsafe or unsuitable.

10 **SECTION TWO.** Community Response Line.

11 A. For the benefit of all City residents, the City has an interest in preventing the build-up of
12 garbage, human waste, and other refuse at outdoor living spaces and other public spaces. The
13 Citizens’ Service Bureau shall serve as the coordinating entity for requests for clean-up and or
14 basic services.

15 B. The City and the CoC shall investigate requests for a clean-up or a health and safety
16 inspections including a site visit if adequate information is provided that there may be a
17 legitimate concern about health and/or safety. The City shall provide immediate notification of
18 any requests or inspections, in writing, to the Chair of the CoC.

19 C. The City shall provide outreach, basic garbage, sanitation, and harm reduction services
20 upon request at outdoor living spaces containing more than five individuals in conjunction with
21 the CoC. The City shall not engage in cleaning or removal of an outdoor living space between
22 the hours of 10:00 p.m. and 8:00 a.m.

1 D. The City shall provide the following facilities and services in every outdoor living space
2 that contains more than 10 people in a 150 foot radius:

- 3 1. At least one toilet for every 10 occupants;
- 4 2. At least one handwashing station for every 10 occupants;
- 5 3. Outreach and needs assessment of occupants in conjunction with the CoC; and
- 6 4. Waste management services including, but not limited to, collection containers for
7 solid waste, scheduled collection and disposal of containerized waste, and collection of
8 recyclable waste.

9 **SECTION THREE. Removal and Impoundment.**

10 A. The City may respond appropriately to emergency situations such as fires, crimes, or
11 medical crises as it normally would outside outdoor living spaces. However, except as specified
12 in Section 4 of this ordinance, the City may not undertake a removal or impoundment action
13 unless the City has satisfied the following conditions:

- 14 1. Adequate and accessible housing is available at the time of removal or impoundment, or
15 at the time of voluntary departure, to any individuals whose persons, personal possessions,
16 and/or vehicles are being removed or impounded.
- 17 2. The affected individuals have been engaged with sufficient individualized outreach in
18 conjunction with the CoC over a period of not less than 30 days, to allow anyone interested
19 to move voluntarily to adequate and accessible housing. Sufficient outreach involves, at a
20 minimum:
 - 21 a. Developing an outreach plan with the CoC, social service providers, and other
22 community partners who support unhoused individuals;

- 1 b. Making and documenting an individual assessment of each affected individual,
2 which includes, but is not limited to, considerations of household composition;
3 disability; behavioral health conditions and disorders, or other mental or
4 emotional capacity limitations; substance use or treatment status; geographic
5 needs, such as proximity to personal support, healthcare, employment and other
6 geographic considerations; and ongoing support needs; identifying and offering
7 adequate and accessible housing based on this individual assessment; and
8 c. if an offer is accepted, providing assistance with both the administrative and
9 logistical aspects of moving into the identified adequate and accessible housing.
10 This effort shall identify, wherever possible, where the individual is already
11 working with service providers and coordinate with those efforts and shall
12 integrate with other City and CoC data sharing projects to prevent avoidable
13 duplication of data and effort.
- 14 3. The City has provided written notice to individuals living in the encampment and the
15 CoC with the following requirements. Notice must include the following information:
- 16 d. The specific date and time the anticipated removal or impound will take place,
17 which must not be fewer than 30 days from the notice date;
- 18 e. Explanation of the actions that will be taken during the removal or impoundment
19 and how loss of personal property can be avoided;
- 20 f. Information about where personal property will be safeguarded if seized during
21 the removal or impoundment and how it can be retrieved after removal or
22 impoundment;

1 g. Contact information for the City’s Department of Human Services, CoC, and
2 other outreach organizations that will work with the site.

3 h. A statement that removal or impoundment will not occur in the absence of
4 adequate and accessible housing for all affected individuals, and information
5 about how the housing options can be accessed.

6 4. Notice must be provided in languages likely to be spoken by impacted individuals,
7 and through methods capable of being understood by persons with physical and mental
8 disabilities.

9 5. Notice must be posted in a conspicuous location at the relevant outdoor living space or
10 on the relevant vehicle, as well as affixed to all tents and structures used for shelter at that
11 location.

12 B. During a removal or impoundment, the City will safeguard all personal property free of
13 charge according to the following requirements:

14 1. For individuals present at the time of the removal or impoundment who have accepted
15 the offer of adequate and accessible housing but do not have the ability to transport their
16 personal property, the City shall transport all personal property to the location of the
17 accepted housing the day of the removal or impoundment.

18 2. For individuals absent at the time of the removal or impoundment, the City must
19 document that those individuals had actual notice of the removal or impoundment.

20 3. For individuals absent at the time of removal or impoundment, or present but who did
21 not accept the offer of adequate and accessible housing and do not have the ability to
22 transport their personal property, the City will safeguard all personal property as follows:

- 1 a. Personal property must be photographed and catalogued by location and with
2 identifying details of the personal property prior to being put into storage. Such
3 information must be searchable by computer and by calling the City's Homeless
4 Services Department.
- 5 b. The location of the storage facility must be accessible by public transportation
6 and accessible to those with disabilities.
- 7 c. Its operating hours must extend beyond normal business hours to
8 accommodate those who work or have other obligations during midweek during
9 normal business hours.
- 10 d. Photo identification shall not be required as a condition of retrieval.
- 11 e. The City must post notice for 30 days at the location of the removal or
12 impoundment with the location of the seized personal property and instructions
13 for reclaiming such personal property.
- 14 f. Within 24 hours of the removal, a City agent or employee must return to the
15 site and seek to inform individuals of how to retrieve their items.
- 16 g. After 60 days, the City may dispose of any unclaimed personal items provided
17 all the requirements of this ordinance have been met.

18 **SECTION FOUR. Hazards and Unsafe or Unsuitable Conditions.**

19 A. If an outdoor living space or a vehicle used as a residence is in an unsafe or unsuitable
20 location, or creates or contains a hazardous condition, the City may undertake a removal or
21 impoundment action if conducted in accordance with the procedures set forth in this Section.

- 1 1. The City must inform all individuals staying at such locations the reasons that it is
2 unsafe or unsuitable at least 48 hours prior to any removal or impoundment.
- 3 2. If an outdoor living space covers both safe or suitable and unsafe or unsuitable
4 locations, the City may only undertake removal or impoundment actions that are in the
5 unsafe or unsuitable location.
- 6 3. The City must identify and make available to all affected individuals a nearby,
7 alternative public space owned or controlled by the City to camp or park that is not
8 unsafe or unsuitable.
- 9 4. The City must conduct and document sufficient individualized outreach in
10 conjunction with CoC, social service providers, and other community partners who
11 support unhoused individuals.
- 12 5. Prior to conducting removal or impoundment actions based on a hazardous condition
13 or hazardous conditions, the City must do the following:
 - 14 a. For at least 72 hours, provide access to basic garbage, sanitation, and harm
15 reduction services, including emptying receptacles and containers provided for
16 refuse and disposal of sharps, as dictated by the nature of the hazardous condition.
 - 17 b. Make reasonable efforts to identify the likely source of the hazardous condition
18 and take action against only those responsible for creating the hazardous
19 condition.
 - 20 c. Provide a meaningful opportunity to cure the hazardous condition, including: (a)
21 an effective cure notice of the specific conditions that create the hazardous
22 condition and information on how that condition can be remedied; and (b)

1 provision of necessary items, such as garbage bags and bins, rodent traps,
2 intravenous needle receptacles, and/or portable toilets, among others, that would
3 allow the individuals to cure the hazardous condition.

4 6. The City must allow individuals at least 72 hours to cure the hazardous condition
5 before posting notice of removal or impoundment, and shall not conduct removal or
6 impoundment if the hazardous conditions have been cured.

7 7. Conduct site visits by City staff in conjunction with the CoC to: (a) inform all affected
8 individuals prior to or during the cure period that the location has a hazardous condition
9 and the actions needed to cure that condition; and (b) inform all affected individuals
10 whether the hazardous condition has been remedied after the cure period or, if the
11 hazardous condition has not been remedied after the cure period, the reason it has not
12 been remedied.

13 8. Prior to removal or impoundment, the City must provide written notice meeting the
14 following requirements:

15 d. Notice must include the following information:

- 16 i. The specific date and time the removal or impound will take place;
- 17 ii. The removal or impound may not take place fewer than 48 hours from the
18 date of notice in the case of unsafe or unsuitable location;
- 19 iii. The removal or impound may not take place fewer than five days from the
20 date of notice in the case of a hazardous condition;

- 1 iv. Explanation of how the location of the outdoor living space or vehicle is
2 unsafe and/or unsuitable, or the hazardous condition has not been
3 remedied;
- 4 v. Explanation of the actions that will be taken during the removal or
5 impoundment and how loss of personal property can be avoided;
- 6 vi. Information about where personal property will be safeguarded if seized
7 during the removal or impoundment and how it can be retrieved after
8 removal or impoundment;
- 9 vii. Clear directions to the alternative public space owned or controlled by the
10 City;
- 11 viii. Contact information for the outreach organizations that will work with the
12 site; and
- 13 ix. If available, a statement that adequate and accessible housing is available
14 for all affected individuals and information on how to access that housing.
- 15 e. Notice must be provided in languages likely to be spoken by impacted
16 individuals, and through methods capable of being understood by persons with
17 physical and mental disabilities.
- 18 f. Notice must be posted in a conspicuous location at the relevant outdoor living
19 space or on the relevant vehicle, as well as affixed to all tents and structures used
20 for shelter at that location.
- 21 g. Sufficient individualized outreach must involve the CoC and involve, at a
22 minimum, the following actions:

- 1 i. Informing all affected individuals of the availability of the alternative
- 2 public space owned or controlled by the City for the outdoor living space
- 3 or vehicle, or offering adequate and accessible housing; and
- 4 ii. Offering assistance with both the administrative and logistical aspects of
- 5 moving into the identified alternative public space owned or controlled by
- 6 the City or adequate and accessible housing.
- 7 iii. During a removal or impoundment, the City will safeguard all personal
- 8 property free of charge according to the following requirements:
- 9 1. For individuals present at the time of the removal or impoundment
- 10 who do not have the ability to transport their personal property, the
- 11 City shall transport all personal property to the alternative public
- 12 space owned or controlled by the City.
- 13 2. For individuals who are absent at the time of the removal or
- 14 impoundment or who are present but who do not wish to move to
- 15 the alternative public space owned or controlled by the City and do
- 16 not have the ability to transport their personal property, the City
- 17 will safeguard all personal property as follows:
- 18 a. Personal property must be photographed and catalogued by
- 19 location and with identifying details of the personal
- 20 property prior to being put into storage. Such information
- 21 must be searchable by computer and by calling a City
- 22 agent.

- b. The location of the storage facility must be accessible by public transportation and accessible to those with disabilities.
- c. The location's operating hours must extend beyond normal business hours to accommodate those who work or have other obligations during midweek during normal business hours.
- d. Photo identification shall not be required as a condition of retrieval.
- e. The City must post notice for 30 days at the location of the removal or impoundment with the location of the seized personal property and instructions for reclaiming such personal property.
- f. Within 24 hours of the removal, a City agent or employee must return to the site and seek to inform individuals of how to retrieve their items.
- g. After 60 days, the City may dispose of any unclaimed personal items provided all the requirements of this ordinance have been met.

SECTION FIVE. Penalties.

Failure by the City or any of its partners, agents, or contractors to follow the requirements of this ordinance shall result in a penalty paid by the City to each affected individual of \$250 per

1 violation, in addition to any actual damages incurred. The Civil Rights Enforcement Agency
2 shall be charged with the oversight, investigation, and enforcement of the provisions of this
3 ordinance.

4 **SECTION SIX.** Severability Clause. The provisions of this Ordinance shall be severable. In
5 the event that any provision of this Ordinance is found by a court of competent jurisdiction to be
6 unconstitutional, void, or otherwise unenforceable the remaining provisions of this Ordinance are
7 valid and shall remain in effect unless the court finds the valid provisions of this ordinance are so
8 essentially and inseparably connected with, and so dependent upon, the void provision that it
9 cannot be presumed that the Board of Aldermen would have enacted the valid provisions without
10 the void ones, or unless the Court finds that the valid provisions, standing alone, are incomplete
11 and incapable of being executed in accordance with the legislative intent.

12 **SECTION SEVEN.** Emergency Clause. This being an ordinance for the preservation of
13 public peace, health and safety, it is hereby declared to be an emergency measure within the
14 meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore
15 this ordinance shall become effective immediately upon its passage and approval by the Mayor.

BOARD BILL NUMBER 150
FISCAL NOTE

Preparer’s Name: Christine Ingrassia

Phone Number or Email Address (will be available publicly): ingrassiac@stlouis-mo.gov

Bill Sponsor: Alderwoman Ingrassia

Bill Synopsis:	An ordinance relating to the City of St. Louis’ (hereinafter “City”) response to people who are unhoused living on public property; and setting standards and procedures for remedying unsafe conditions and protecting the rights and property of unhoused individuals, including a severability clause and an emergency clause.
Type of Impact:	
Agencies Affected:	Department of Human Services

SECTION A

Does this bill authorize:

- An expansion of services which entails additional costs beyond that approved in the current adopted city budget? ___X___Yes ___No
- An undertaking of a new service for which no funding is provided in the current adopted city budget? ___Yes ___X___No
- A commitment of city funding in the future under certain specified conditions? ___X___Yes ___No
- An issuance of bonds, notes and lease-purchase agreements which may require additional funding beyond that approved in the current adopted city budget? ___Yes X___No
- An execution or initiation of an activity as a result of federal or state mandates or requirements? ___Yes X___No
- A capital improvement project that increases operating costs over the current adopted city budget? ___Yes X___No

- A capital improvement project that requires funding not approved in the current adopted city budget or that will require funding in future years? Yes No

If the answer is yes to any of the above questions, then a fiscal note must be attached to the board bill. Complete Section B of the form below.

SECTION B

- Does the bill require the construction of any new physical facilities? Yes No

- If yes, describe the facilities and provide the estimated cost:

- Is the bill estimated to have a direct fiscal impact on any city department or office? Yes No

- If yes, explain the impact and the estimated cost:

- Does the bill create a program or administrative subdivision? Yes No

- If yes, then is there a similar existing program or administrative subdivision?

Yes No

- If yes, explain the how the proposed programs or administrative subdivisions may overlap:

- Describe the annual operating, equipment, and maintenance costs that would result from the proposed bill, as well as any funding sources:

Complete the chart below to list the total estimated expenditures required of the City resulting from the proposed board bill and any estimated savings or additional revenue.

Financial Estimate of Impact on General Fund			
Fiscal Impact	<u>Year 1 (current)</u>	<u>Year 2</u>	<u>Year 3</u>
Additional Expenditures	NA	NA	NA
Additional Revenue	NA	NA	NA
Net	NA	NA	NA
Financial Estimate of Impact on Special Funds			
Fiscal Impact	<u>Year 1 (current)</u>	<u>Year 2</u>	<u>Year 3</u>
Additional Expenditures	NA	NA	NA
Additional Revenue	NA	NA	NA
Net	NA	NA	NA

- Describe any assumptions used in preparing this fiscal note:

- List any sources of information (including any City officials, agencies, or departments) used in preparing this fiscal note:

- Have the financial estimates of this bill been verified by the City Budget Division?

___Yes __X__No

○ If yes, by whom? _____ .